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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

KEITH K. DAELLENBACH

Serial No. : 10/642,348 Examiner Roz Maiorino

Filed : August 15, 2003 Group Art Unit 3763

For : END EFFECTOR FOR NEEDLE-FREE INJECTION SYSTEM

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

Applicant respectfully disagrees with and requests reconsideration of the restriction requirement dated June 10, 2004. In the restriction requirement, the Office identified eight different species and stated that no claim was considered generic. The identified species are as follows:

A - injector with a cap;

B - injector with a valve;

C - injector may include an injection chamber;

D - reservoir may be housed within the injector body;

E - utilizing a separate fluid reservoir;

F - motor driven stop;

G - where the distal region 22 is angled relative to rest of effector; and

H - end effector measure between four and ten inches.

The requirement is improper because none of the features identified in the species listing are part of the claimed invention. In other words, the claims neither require nor exclude the features. Specifically, the claims neither require nor exclude: (A) an injector with a cap; (B) an injector with a valve; (C) an injector with an injection chamber; (D) that the reservoir be housed within the injector body; (E) a separate fluid reservoir; (F) a motor driven stop; (G) a distal region angled relative to the rest of the end effector; or (H) that the end effector measures between four and ten inches. Accordingly, all of the claims are generic and the restriction requirement should be withdrawn. Although applicant strongly disagrees with the propriety of the requirement, applicant nonetheless provisionally elects Species C, as required by 37 C.F.R. § 1.143. Should a telephone interview assist in furthering prosecution of this application, the examiner is invited to telephone the undersigned attorney of record.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on August 10, 2004.



Renee Knight

Respectfully submitted,

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